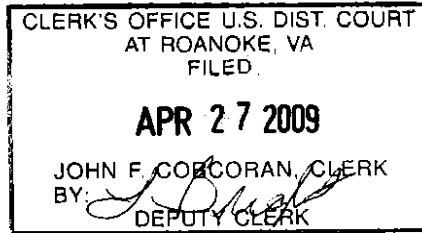


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



UNITED STATES OF AMERICA)	Criminal Action No. 7:05-cr-00060
)	
)	<u>ORDER</u>
v.)	
)	By: Hon. James C. Turk
MARTY BROWN.)	Senior United States District Judge

Marty Brown, a federal prisoner, filed his second request for copies of transcripts, reports, and evidence related to his criminal case. Brown claims he needs the documents to prepare a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. Brown did not include any payment with his request.

Brown is entitled to free certified copies of documents or parts of the record, as authorized by a court order, if he has a pending application for a writ of habeas corpus and has been permitted to proceed in forma pauperis. 28 U.S.C. § 2250. However, Brown does not have a pending application for a writ of habeas corpus, nor has he been authorized to proceed in forma pauperis. See, e.g., In re O'Kane, 91 F.3d 132, 1996 U.S. App. LEXIS 15567, at *2, 1996 WL 379674, at *1 (4th Cir. 1996) (holding that defendant was not entitled to copies of transcripts at government expense in advance of filing suit). The rate for purchasing photocopies of documents is \$0.50 per page, prepaid. Brown may also contact the court reporter(s) to request the cost of purchasing the transcripts he desires. Accordingly, it is hereby

ORDERED

that Brown's second motion for request for transcripts (docket #115) is **DENIED**.

The Clerk is directed to send copies of this order to the defendant and counsel of record for the United States.

ENTER: This 27th day of April, 2009.

[Signature]

Senior United States District Judge